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February 5, 2003

VIA FACSIMILE (CONF. BY FEDERAL EXPRESS)

Albert Zervas, Esq.
Trademark Trial and Appeal Board
South Tower Building
2900 Crystal Drive
Arlington, VA 22202

RE: *Galleon S.A. v. Havana Club Holding, S.A.*,
Trademark Trial and Appeal Board Cancellation No. 24,108

Dear Mr. Zervas:

Fish & Neave has been asked by Empresa Cubana Exportadora De Alimentos y Productos Varios, S.A., dba Cubaexport ("Cubaexport") to represent it in connection with the above-referenced cancellation proceeding. By order of the Trademark Trial and Appeal Board, dated January 21, 2003, Cubaexport was joined as a respondent in the cancellation proceeding. Respondents were allowed forty days from the mailing date of the order to file and serve a response to petitioners' previously filed summary judgment motion.

We write to request a telephone conference with you, counsel for petitioners and counsel for respondent Havana Club Holding, S.A. ("HCH") in order to seek an extension of time in which to serve a response to petitioners' summary judgment motion in the cancellation proceeding for the reasons stated below.

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1825 I STREET, NW, SUITE 400, WASHINGTON DC 20006 TEL 202.857.5222 FAX 202.857.5237

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Albert Zervas, Esq.
February 5, 2003
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Cubaexport is a Cuban enterprise whose offices are in Havana, Cuba. Under the Cuban Assets Control Regulations ("CACR"), as amended, 31 C.F.R. §§ 515.101-515.901 (1999),¹ certain transactions involving property in which Cuba or a national thereof has an interest are prohibited except as specifically authorized by the Secretary of the Treasury or the Director of the Office of Foreign Assets Control ("OFAC") by means of a license or otherwise. 31 C.F.R. §§ 515.201 and 515.802.

Accordingly, on January 29, 2003, immediately upon request by Cubaexport for Fish & Neave's representation in connection with this cancellation proceeding, Fish & Neave submitted an application to OFAC for a specific license pursuant to the CACR to defend Cubaexport in the cancellation proceeding and to solicit and receive fee payments and reimbursements for expenses incurred in connection with Fish & Neave's legal representation of Cubaexport. A copy of Fish & Neave's application to OFAC is annexed hereto as Exhibit A. Although we requested expedited consideration of our application, we are still awaiting a decision from OFAC.

We also understand that this matter has a long and complex record extending back several years and including past litigation proceedings in multiple federal courts. Assuming that Fish & Neave receives the requested license from OFAC to represent Cubaexport, Fish & Neave will require additional time to obtain the complete file in this matter and the related litigation and to fairly represent Cubaexport in the cancellation proceeding, including by becoming familiar with the extensive history and legal issues in this 7-year old matter, addressing with counsel for HCH prior proceedings here, and coordinating efforts with counsel for HCH in the cancellation proceeding. It may be necessary to travel to Cuba to meet with representatives of Cubaexport.

Without a license to proceed and without obtaining the relevant documents, we are not in a position to proceed. For the reasons stated above, we are requesting a telephone conference to seek an extension of ninety (90) days from the March 3, 2003 date set in the January 21, 2003 order to obtain the OFAC license we have requested and for respondents to file and serve a response to petitioners' summary judgment motion.

¹ The CACR was promulgated pursuant to Section 5(b) of the Trading with the Enemy Act of 1917, as amended, 12 U.S.C. § 95a. The Cuban Liberty and Democratic Solidarity Act, Pub.L. No. 104-114, 110 Stat. 785 (1996) codified the CACR.

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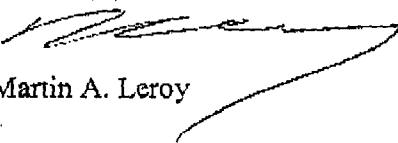
Albert Zervas, Esq.

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We have sought consent from counsel for the petitioners, who refused it. We are available for a telephone conference at your convenience and will make arrangements to include counsel for petitioners and counsel for respondents at your suggested time.

Sincerely yours,



Martin A. Leroy

MAL:afg
Enclosure

cc: William Golden, Esq. (Counsel for petitioners) (via facsimile)
Charles Sims, Esq. (Counsel for respondent) (via facsimile)

Feb-05-03 11:03am From-FISH & NEAVE

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February 5, 2003

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EXHIBIT A



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January 29, 2003

VIA FACSIMILE (CONF. BY FEDEX)

David W. Mills
Chief of Licensing Office of Foreign Assets Control
U.S. Department of Treasury
ANNEX 2221
1500 Pennsylvania Avenue, N.W.
Washington, D.C. 20220

RE: Application For Specific License in connection with *Galleon S.A. v. Havana Club Holding, S.A.*, Trademark Trial and Appeal Board Cancellation No. 24,108

Dear Mr. Mills:

Fish & Neave hereby applies for a specific license to provide and receive payment for legal services and representation to Empresa Cubana Exportadora De Alimentos y Productos Varios, S.A., dba Cubaexport ("Cubaexport") in connection with the above-captioned cancellation proceeding pending before the Trademark Trial and Appeal Board ("TTAB") of the U.S. Patent and Trademark Office. By such proceeding, Bacardi seeks to cancel U.S. trademark registration No. 1,031,651, which is owned by Cubaexport and covers the mark HAVANA CLUB & Design. We seek this license in light of a decision issued by the TTAB on January 21, 2003 (copy enclosed) which joined Cubaexport as an additional respondent to the proceeding.

We specifically request that a specific license issue authorizing all necessary transactions in connection with legal representation by Fish & Neave of Cubaexport, a Cuban national, for the following purposes:

- (i) to defend to completion the cancellation proceeding entitled *Galleon S.A., Bacardi-Martini U.S.A., Inc., and Bacardi & Company Limited v. Havana Club Holding, S.A.*

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dba HCH, S.A., and Empresa Cubana Exportador De Alimentos y Productos Varios, S.A., dba Cubaexport, joined as a defendant (TTAB Cancellation No. 24,108), including appeals;

(ii) to solicit and receive fee payments and reimbursements for expenses incurred in connection with the legal representation authorized by the license, provided that said fees and expenses are paid exclusively from fresh funds outside the United States; and

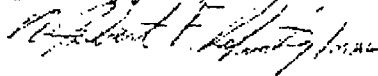
(iii) for travel to Cuba by attorneys at this firm and others acting under their supervision and control, for the purposes of communicating with our client in connection with the above.

We make the instant application for a license without prejudice to our position that the Office of Foreign Assets Control lacks statutory authority to require a license for a Cuban national to defend a proceeding of the nature involved here and to defend the same to conclusion.

Inasmuch as this matter concerns legal proceedings, we are taking the liberty of forwarding a copy of this application to the Office of Chief Counsel, OFAC.

Thank you for your attention to this matter.

Sincerely yours,



Herbert F. Schwartz

HFS:bjd
Enclosure

cc: Matthew Tuchband, Esq., Office of Legal Counsel, OFAC
Ms. Clara David, Licensing Division, OFAC

**FISH & NEAVE**

FACSIMILE TRANSMISSION

TO	COMPANY/FIRM	RECIPIENT FAX	RECIPIENT PHONE
Albert Zervas, Esq.	Trademark Trial and Appeal Board South Tower Building 2900 Crystal Drive Arlington, VA 22202	703.746.7072	703.308.9330, x. 188

SENDER	DATE	SENDER'S FAX	SENDER'S PHONE
Martin A. Leroy	February 5, 2003	646.728.2618	212.596.9127

CLIENT	RE:	TIME	PAGES (INCLUDING COVER)
01214.001	^		7

MESSAGE

This communication is intended only for the use of the addressee and may contain information that is privileged and confidential. If you are not the intended recipient, you are hereby notified that the unauthorized dissemination of the communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone. If not completely received, please call back at 212.596.9300 as soon as possible.

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